

REGISTER

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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Revenue: (August 14, 2001) is proposing rules to set the minimum number of hours for a licensed automotive dealer to be open, adopt procedures to handle the refunds for small power production facilities, implement a system to administer the use of direct payment permits, amend the definition of owner for classification of property as owner-occupied, set a uniform rule for timely appeals, issue a statewide sales tax permit to businesses with different SIC numbers, assure that maintenance items are not exempted as repair parts, set uniform rules for assessing contractors working on fuel storage and dispensing projects, implement procedures for the pilot project for notation of liens on the state's computer system, repeal the definition of "State logo die stamp," increase the fee for assignment of a VIN, allow for the attachment of an assigned VIN anywhere on the frame of a motorcycle, repeal the rules governing assignment of a VIN to a motorcycle with an unnumbered frame or an unnumbered engine, manufactured trailers under a certain weight do not need a VIN, specify the method used to assign a VIN to a 1970 or newer rebuilt motorcycle, create a uniform method of defining the year of a car, pickup, truck, or van, provide for the assignment of an identification number when the dash is removed, and assignment of an identification number for a motorcycle built with after-market parts. The general authority for these rules, as cited by the department, is SDCL 10-1-16, 10-1-46, 10-10-6, 10-45-47.1, 10-45B-12, 10-46-35.1, 10-46A-19, 10-46-67, 32-3-57, 49-34A-92, 32-6B-60, 32-7B-20, and 49-34A-92.

A public hearing was held in the Office of Hearing Examiner's Conference Rooms E & W, Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on Wednesday, September 5, 2001, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue, Legal Division/Rules, 445 East Capitol Avenue, Pierre, South Dakota 57501-3100. Written comments must be received by September 17, 2001, to be considered. The text of the amended rules will be posted on the department's website at www.state.sd.us/revenue. The rules may be obtained as a Microsoft Word attachment by e-mailing Beth.Christie@state.sd.us.

Department of Social Services: (September 6, 2001) intends to adopt rules to clarify the tasks that may be performed by a homemaker, increase co-pays, expand the list of reasons that may result in discontinuance of services, increase the department's level of participation for alternative care services, increase the level of certain resource exclusions, amend definitions, establish a minimum level of monthly income that an individual must have and contribute towards room and board if the individual is going into an assisted living center, amend requirements for the development of a Home- and Community-Based Waivered Services (HCBWS) client's care plan, clarify and expand the HCBWS homemaker services, clarify how an HCBWS client's co-pay is determined, increase payment limits for certain HCBWS services, limit where an individual may reside if the individual has an assisted living level of care and needs medication administration, define new terms, require an individual to be Medicaid-eligible if requesting personal care services, clarify and expand the

personal care services covered, limit where personal care services will be provided, establish a limit on the number of hours an individual may receive personal care nursing services, establish the rate of payment for personal care services in each provider's contract, and amend the claim requirements for personal care services. The general authority for these rules, as cited by the department, is SDCL 28-1-45, 28-6-1, and 28-8-28.

A public hearing will be held in Conference Room 2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Friday, September 28, 2001, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by October 9, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make

arrangements are asked to call (605) 773-3305 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF SOCIAL SERVICES:

On September 6, 2001, the department filed updates to the Food Stamp Program Certification and Accountability Manual. The update revises certain exemptions regarding able-bodied adults without dependants.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

9-12-2001	Commerce and Regulation: Public Utilities Commission	Make motor carrier rules conform to state and federal law; 28 SDR 28.
9-13-2001	Attorney General	Allow taking alternative biological samples, who may take samples, procedures involved; 28 SDR 27.
9-17-2001	Education and Cultural Affairs: Board of Education	Establish standards and streamline process for alternative teacher certification; 28 SDR 35.
9-20-2001	Joint Board of Nursing and Board of Medical and Osteopathic Examiners	Eliminate conflicting license expiration cycles and update licensure education requirements; 28 SDR 31.
9-20-2001	Commerce and Regulation: Commission on Gaming	Eliminate requirement that coin or token acceptors be installed in slot machines, coin acceptors must be able to detect metal composition, eliminate 20-coin limit on slot machines, clarify

		that game may be cleared by attendant or by the game itself after displaying errors; 28 SDR 35.
9-21-2001	Commerce and Regulation: Board of Chiropractic Examiners	Define manipulation/mobilization and committee; requirements for declaratory rulings; application for examination, license reciprocity, duplicate certificates and licenses; continuing ed courses; update code of ethics and establish committee, acceptable advertising, comply with statute concerning healthcare corporations, procedures for disciplinary actions, establish disciplinary committee, update actions that warrant sanctions, increase fee for certificate of registration and provide continuing ed for radiography, define negative peer review, set fees for peer review; 28 SDR 27.
9-25-2001	Social Services	Allow department to continue providing TANF assistance beyond 60-month limit under hardship provisions; 28 SDR 35.
9-25-2001	Social Services	Increase amount allowed for utilities when computing food stamp household's shelter expenses; 28 SDR 36.
9-28-2001	Social Services	Homemaker, respite care, personal care and alternative care services, Home- and Community-Based Waivered Services (HCBWS), and level of care by a medical review team; 28 SDR 39.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, September 10 at 12:30 p.m. in Room 413 of the State Capitol. The meeting scheduled for October 8 will not be held; the final meeting of the 2001 interim will be November 28.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC website.

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